IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 15TH OCTOBER 2007 / 23RD ASWINA 1929

WP(C).No. 28004 of 2007(H)

PETITIONER:

K.P.SUMANGALA
W/O. CHANDRASEKHARAN PILLAI,
NIDUVATTUM KUNNU, MATTANNUR.P.O.,
KANNUR DISTRICT.

BY ADV. SRI.CIBI THOMAS

RESPONDENT:

THE BRANCH MANAGER,
THE UNION BANK OF INDIA,
MATTANNUR, KANNUR DISTRICT.

BY ADV. SRI.A.S.P.KURUP, SC, UBI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC,J.

W.P (C) No. 28004 of 2007

Dated this the 15th October, 2007

J U D G M E N T

Exhibit-P1 proceedings against the petitioner under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interests Act, 2002 is under challenge, this writ petition was filed. On the basis of that Exhibit P1, notice under Section 13 (4) of the Act is the first communication received by her in this behalf. Petitioner submits that she was unaware of the transaction, the principal amount, interest and other details based on which the Bank had taken action in relation to the property in question.

2. On instruction, learned Standing Counsel for the Bank has filed a statement. According to the statement, the petitioner had mortgaged her own property for availing of a term loan of Rs. Three Lakhs on 8.7.2003 and that another housing loan of Rs. Three Lakhs was also availed of, with her husband as the guarantor. It is submitted that default was committed in respect of both the loans and notice under Section 13(2) was served on the petitioner on 28.12.2006 and notice under Section 13 (4) was given on 30.5.2007. It is also submitted that in view

of the continued default, property was taken possession on 11.7.2007 and at present outstanding amount comes to apparently Rs.7 Lakhs.

3. In view of these facts, this writ petition was filed suppressing the facts. Bank also points out that while the position was as above, petitioner had transferred the mortgaged the property to a stranger on 17.1.2006. Bank has also given the details of the default committed by her husband independently, about which I need not refer to.

4. It is obvious that petitioner was a defaulter and that she had full knowledge of the steps taken by the Bank. It is without disclosing all this that this writ petition has been filed. Not only that the legal contentions raised in this writ petition are devoid of merits but also the petitioner is guilty of suppression of facts. The writ petition is liable to be dismissed and I do so.

(ANTONY DOMINIC, JUDGE)

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K.THANKAPPAN,J

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ORDER

25th May, 2007